

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 234

CASE NO. 78-1

SEPTEMBER 14, 1978

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on March 30, April 3, April 10, April 24 and May 1, 1978 to consider proposed amendments to the text of the Zoning Regulations. Such amendments proposed to modify requirements for all of the Commercial Districts, as well as the planned unit development process.

Following the **lengthy** hearings and receipt of large amounts of public testimony, the Commission **determined to divide the case** into several parts, for the purpose of discussing the matter and arriving at a decision. The Commission held several work sessions and finally determined that several changes should be made to the C-3, C-4 and C-5 Districts and for the regulations governing credits for arcades in all districts.

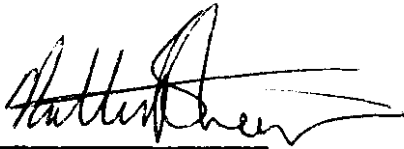
This Order is therefore the first of several orders relating to the commercial revision case. Future Orders will deal with the remaining commercial districts, the planned unit development process and other elements of the case. After all of the issues in the entire case have been decided, the Commission will issue a full statement of reasons setting forth the basis for its decision.

The Commission believes that the proposed amendments are in the best interests of the District of Columbia and are consistent with the intent and purposes of the Zoning Regulations and Zoning Act. The Commission therefore hereby order adoption of the following amendments to the Zoning Regulations:

1. Substitute for existing Sections 5103, 5104, 5105 and 7614 and Articles 52 and 53, all the text language contained in the attached document entitled "Revised C-3, C-4, and C-5 Districts and Arcade Provisions," dated September 14, 1978, a copy of which is attached hereto and made a part hereof.

2. Amend the Regulations to conform to the changes made above, as specified in the sheet labeled "Additional Conforming Amendments," dated September 14, 1978, a copy of which attached hereto and made a part hereof.

Vote of the Commission taken at the public meeting held on August 14, 1978: 3-0 (George M. White, John G. Parsons, and Walter B. Lewis to adopt, Theodore F. Mariani, not voting, Ruby B. McZier not present, not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on September 14, 1978 by a vote of 3-0 (Walter B. Lewis and John G. Parsons to adopt, Ruby B. McZier to adopt by proxy, Theodore F. Mariani not voting, George M. White not present, not voting).

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, these amendments to the Zoning Regulations are effective on

22 SEP 1978.

"Revised C-3, C-4 and C-5 Districts
and Arcade Provisions"

September 14, 1978

Section 5103-C-3 Districts (Major Business and Employment Center) (Including C-3-A and C-3-B Districts)

5103.1 The C-3 District is designed to accommodate important subcenters supplementary to the Central Business District. All such districts would provide substantial amounts of employment, housing and mixed uses. The District is divided into C-3-A (Medium density) and C-3-B (Medium-high density) Districts. They should be compact in area.

5103.2 Except as provided in Chapter 7, in a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the uses listed in the following paragraphs.

5103.3 The following uses are permitted as a matter of right.

5103.31 Any use permitted in C-2 Districts under sub-section 5102.3.

5103.32 Additional service establishments, to include:

5103.321 Amusement enterprise.

5103.322 Laundry or dry cleaning establishment, not exceeding 5000 square feet of gross floor area.

5103.323 Gasoline service station as an accessory use to a mechanical parking garage, subject to the conditions for such accessory use set forth in subparagraph 5101.32(i).

5103.324 Printing, lithographing, or photoengraving establishment, with no limitation on gross floor area.

5103.33 Additional retail establishments, to include:

5103.331 Motorcycle sales and repair, only in C-3-B Districts, provided that:

(a) The use and all its accessory facilities are located within a building; and,

(b) No portion of a building so used is located within 50 feet of a Residence or Special Purpose District.

5103.332 Any establishment which has as a principal use the administration of massages, only in C-3-B Districts, provided that no portion of such establishment is located within 200 feet of any Residential District.

5103.34 Other similar service or retail use, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises.

5103.35 Mechanical parking garage, only in C-3-B Districts.

5103.36 Motel

5103.37 Public swimming pool.

5103.4 The following uses are permitted if approved by the Board of Zoning Adjustment subject to the conditions specified in Section 8207 and below in each case.

5103.41 Gasoline service station hereafter established or enlarged or a repair garage in any C-3 District, or mechanical parking garage in C-3-A Districts, subject to the special provisions of Article 74 of these regulations. In addition all uses in this paragraph shall be subject to the conditions for a gasoline service station set forth in paragraph 5101.41.

5103.42 Motorcycle sales and repair in C-3-A Districts, subject to the conditions for such use set forth in paragraph 5102.42.

5103.43 Public utility pumping station, subject to requirements pertaining to setbacks, screening, or such other requirements as the Board shall deem necessary for the protection of adjacent or nearby property.

5103.44 Enlargement of existing laundry or dry cleaning establishment which contains more than 5000 square feet of gross floor area, subject to the conditions for such use set forth in paragraph 5102.44.

5103.45 Accessory parking spaces elsewhere than on the same lot or part thereof on which any principal use permitted in C-3 Districts, except for a one-family dwelling or motel, when such parking spaces will be established within the square in which the principal use is located, subject to the provisions of paragraph 4101.48 of Article 41.

5103.46 Any establishment which has a principal use the administration of massages, may locate within 200 feet of any residential District, provided that:

5103.461 The establishment shall be compatible with other uses in the area.

5103.462 Such use will not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic or other conditions.

5103.463 The establishment will not have an adverse impact on religious, educational, and other institutional facilities located in the area.

5103.47 Sexually-oriented business establishment, provided that:

5103.471 No portion of such establishment is located within 600 feet of a residential or special purpose district.

5103.472 No portion of such establishment is located within 600 feet of a church, school, library, or playground, or the area which is under the jurisdiction of the Commission of Fine Arts pursuant to the Shipstead-Luce Act, 46 STAT. 366, as amended.

5103.473 No portion of such establishment is located within 300 feet of any other sexually-oriented business establishment.

5103.474 There shall be no display of goods or services visible from the exterior of the premises

5103.475 The establishment will be compatible with other uses in the area.

5103.476 Such use will not become objectionable because of its effects on the character of the neighborhood or because of noise, traffic, or other conditions.

5103.477 The establishment will not have an adverse impact on religious, educational, and governmental facilities located in the area.

SECTION 5104-C-4 DISTRICT (CENTRAL BUSINESS DISTRICT)

5104.1 The C-4 District is designed for the downtown core which comprises the retail and office centers for both the District of Columbia and the Metropolitan area. It must be large enough to provide an adequate area for a variety of commercial, retail and business uses to serve the Metropolitan area, but nevertheless must be compact enough to retain its identity. This district shall also contain high density residential and mixed use developments.

5104.2 Except as provided in Chapter 7, in a C-4 District no building or premises shall be used and no building shall be erected or altered which is arranged intended, or designed to be used except for one or more of the uses listed in the following paragraphs:

5104.3 The following uses are permitted as a matter of right:

5104.31 Any use permitted in any C-3 District under sub-section 5103.3.

5104.32 Gasoline service station subject to the special provisions of Article 74.

5104.33 Other similar service or retail use, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises.

5104.34 The conversion of gross floor area in an existing structure from above ground parking to any use permitted in the C-4 District, provided that:

5104.341 The amount of area to be converted shall not exceed a floor area ratio of 1.0.

5104.342 The parking to be eliminated is not parking required under the Zoning Regulations.

5104.343 The area to be converted meets the requirements of all applicable codes and ordinances of the District of Columbia for the proposed use.

5104.4 The following uses are permitted if approved by the Board of Zoning Adjustment subject to the conditions specified in Section 8207 and below in each case:

5104.41 Public utility pumping station, subject to requirements pertaining to setbacks, screening, or such other requirements as the Board shall deem necessary for the protection of adjacent or nearby property.

5104.42 Enlargement of existing laundry or dry cleaning establishment which contains more than 5000 square feet of gross floor area, subject to the conditions for such use set forth in paragraph 5102.44.

5104.43 Accessory parking spaces elsewhere than on the same lot or part thereof on which any principal C-4 use is permitted, except for a one-family dwelling or motel, when such parking spaces will be established within the square in which the principal use is located subject to the provisions of paragraph 4101.48 of Article 41.

5104.44 Any establishment which has as a principal use the administration of massages, may locate within 200 feet of any Residential District, provided that:

5104.441 The establishment shall be compatible with other uses in the area.

5104.442 Such use will not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic or other conditions.

5104.443 The establishment will not have an adverse impact on religious, educational, and other institutional facilities located in the area.

5104.45 Sexually-oriented business establishment, provided that:

5104.451 No portion of such establishment is located within 600 feet of a residential or special purpose district.

5104.452 No portion of such establishment is located within 600 feet of a church, school, library or playground, or the area which is under the jurisdiction of the Commission of Fine Arts pursuant to the Shipstead-Luce Act, 46 STAT. 366, as amended.

5104.453 No portion of such establishment is located within 300 feet of any other sexually-oriented business establishment.

5104.454 There shall be no display of goods or services visible from the exterior of the premises.

5104.455 The establishment will be compatible with other uses in the area.

5104.456 Such use will not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.

5104.457 The establishment will not have an adverse impact on religious, educational, and governmental facilities located in the area.

5104.5 Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by this Section are permitted.

Section 5105-- C-5 District (Pennsylvania Avenue Development (PAD) District).

5105.1-- The C-5 (PAD) District is established to promote and protect the public health, safety and general welfare and amenity in the area adjacent to the north side of Pennsylvania Avenue, Northwest, between 10th Street and 15th Street, N.W., consistent with the goals and mandates of the United States Congress set forth in the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871 et seq.) and in accordance with the plan promulgated under that Act.

Beyond these general purposes, the C-5 (PAD) is established for the following special purposes:

- (A) To encourage development to the potential permitted under the Act to Regulate the Height of Buildings in the District of Columbia, June 1, 1910, as amended, along a portion of the north side of Pennsylvania Avenue, Northwest as designated in that Act and the Pennsylvania Avenue Plan - 1974;
- (B) To reinforce Pennsylvania Avenue's unique role as a physical and symbolic link between the White House and the U.S. Capitol;
- (C) To improve land utilization in the prime location within the Downtown core of Washington, D.C.
- (D) To improve the physical and economic relationship of the Downtown core of Washington, D.C.;
- (E) To encourage an appropriate mix of retail, entertainment, restaurants, and other facilities to serve shoppers, tourists and office populations; and,
- (F) To encourage the development of appropriate public spaces for their symbolic value as well as for their public use.

5102.2 -- Except as provided in Chapter 7, in the C-5 (PAD) District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the uses listed in the following paragraphs.

5105.3 -- The following uses are permitted as a matter-of-right:

5105.31 -- Any use permitted in a C-4 District under sub-section 5104.3; except that a gasoline service station is permitted only as an accessory use to a parking garage subject to the conditions of sub-paragraph 5101.32(i).

5105.4 - The following uses are permitted if approved by the Board of Zoning Adjustment subject to the conditions specified in Section 8207 and below in each case:

5105.41 -- The uses as specified and controlled under sub-section 5104.4.

5105.5 -- Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by this section are permitted.

ARTICLE 52
HEIGHT REGULATIONS FOR COMMERCIAL DISTRICTS

SECTION 5201-Height of Building or Structure

5201.1 Except as provided in the following paragraphs of this section and in Chapter 7, the height of a building or structure in a Commercial District shall not exceed that given in the following table:

<u>District</u>	<u>Height in Feet</u>	<u>Height in Stories</u>
C-1	40	3
C-2-A	60	No Limit
C-3-A	65	No Limit
C-2-B, C-3-B	90	No Limit
C-4	110	No Limit
C-5	130	No Limit

5201.2 The height of buildings or structures as specified in sub-section 5201.1 may be exceeded in the following instances:

5201.21 A spire, tower, dome, minaret, pinnacle, penthouse over elevator shaft, ventilation shaft, chimney, smoke-stack and fire sprinkler tank may be erected to a height in excess of that authorized in Sub-section 5201.1. A radio or television tower may be erected to a height in excess of that authorized in Sub-section 5201.1 if authorized by the Mayor of the District of Columbia.

5201.22 In the C-4 District, a building or other structure may be erected to a height not exceeding 130 feet, provided that such building or other structure faces or abuts a street not less than 110 feet wide between building lines.

5201.23 In the C-5 (PAD) Districts, a building or other structure may be erected to a height not exceeding 160 feet, provided that:

5201.231 -- The building or other structure fronts on Pennsylvania Avenue, Northwest, between 10th Street and 15th Street, N.W., or on a public space or reservation adjacent thereto, as specified in paragraphs 1 and 2 of Section 5 of the Act to Regulate the Height of Buildings in the District of Columbia, June 1, 1910, as amended.

5201.232 -- The height of such building or other structure shall be measured only from the Pennsylvania Avenue curb at the middle of the front of the building or other structure to the highest point of the roof or parapet exclusive of any structure on the roof.

5201.233 -- That portion of such building or other structure which exceeds 135 feet in height shall be set back a minimum of 50 feet from the building line along Pennsylvania Avenue.

5201.24 -- If erected or enlarged as provided in Section 5306, housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which located, provided such housing or penthouse is set back from all lot lines of the lot upon which such structure is located a distance equal to its height above the roof of the top story. In the C-5 (PAD) District, such a structure shall be set back from that portion of the perimeter of the roof fronting on a street a minimum distance equal to twice the height of the roof structure above the roof level on which it is situated. A roof structure shall not exceed 18 feet 6 inches in height above the roof upon which it is located.

5201.3 Where required by the Act of June 1, 1910 (36 Stat. 452), a height in excess of that therein permitted must be authorized by the Mayor of the District of Columbia.

ARTICLE 53

AREA AND BULK REGULATIONS FOR COMMERCIAL DISTRICTS

Section 5301 Floor Area Ratio

5301.1 Except as specified in sub-section 5301.2 of this Section, Section 5306 and Chapter 7, the maximum permitted floor area ratio of a building or structure in a commercial district shall be given in the following table:

Floor Area Ratio (FAR)

<u>District</u>	<u>Apartment House or other residential use</u>	<u>Hotel or other permitted use</u>	<u>Maximum permitted</u>
C-1	0.9	1.0	1.0
C-2-A	1.8	2.0	2.0
C-2-B	3.5	3.5	3.5
C-3-A	4.0	2.5	4.0
C-3-B	6.5	6.5	6.5
C-4	8.5	8.5	8.5
C-5	10.0	10.0	10.0

The maximum permitted floor area ratio may be increased for specific applications approved by the Zoning Commission under the planned unit development process as specified in Section 7501.

5301.2 The floor area ratios as specified in sub-section 5301.1 of this Section may be exceeded in the following instances:

5301.21 -- In the C-4 District a building or other structure which is erected to a height in excess of 110 feet as permitted in Paragraph 5201.22 may have a floor area ratio not exceeding 10.0, except as provided in sub-paragraph 7501.24(b)

5301.22 -- Notwithstanding the provisions of Sub-section 5301.1, when the C-2-B District is located near a R-5-D or SP District or at an Uptown Center or Rapid Transit Stop, the Zoning Commission may authorize a floor area ratio of 6.0 subject to the restrictions of sub-paragraph 5102.5, provided however, it shall not be subject to the restrictions contained in Sub-section 5301.3.

5301.23 -- In the C-5 (PAD) District, the maximum permitted floor area ratio, as specified in paragraph 5301.1, may be increased as provided in sub-section 5307.1.

5301.3 -- The maximum floor area ratio permitted for a structure devoted to residential and commercial uses shall be computed on a pro rata basis according to the gross floor area of the structure devoted to various uses.

Section 5302 - Percentage of Lot Occupancy and Residential Recreation Space

5302.1 -- In a Commercial District no building or portion thereof devoted to a residential use including accessory buildings but excluding a hotel shall occupy the lot upon which located in excess of the percentage of lot occupancy given in the following table:

<u>District</u>	<u>Percentage of Lot Occupancy</u>
C-1	40
C-2-A	60
C-2-B, C-3-A	75
C-3-B, C-4, C-5 (PAD)	100

5302.2 -- When all or a portion of a building in a C-3, C-4 or C-5 District is devoted to a residential use other than a hotel, recreation space shall be provided which is safe, secure, and suitably equipped and/or landscaped for the active or passive recreation use of the residents. Such residential recreation space shall be provided as specified below.

5302.21 -- An area equal to not less than the following percentage of the gross floor area devoted to residential use shall be provided as residential recreation space:

<u>District</u>	<u>Percentage</u>
C-3-A	15
C-3-B	10
C-4, C-5 (PAD)	5

5302.22 -- Residential recreation space may be located at ground level, on or above the residential plane, on rooftops or within a building or other structure. The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony, or a portion of it, adjoins an individual residential unit and is accessible only from that unit. Rooftops which contain recreation space may have a parapet wall not to exceed five feet in height.

5302.23 -- If any portion of a roof is to be used for residential recreation space, the roof area shall have no dimension less than 25 feet.

5302.24 -- No less than 50 percent of the total residential recreation space shall be outdoors.

5302.25 -- Residential recreation space shall be physically accessible to all residents of the building served by that space.

5302.26 -- The floor area devoted to residential recreation space shall not be counted in determining the number of off-street parking spaces or loading berths.

Section 5303 - Rear Yards

5303.1 -- Except as provided in the following paragraphs of this section a rear yard shall be provided for each structure located in a Commercial District, the minimum depth of which shall be as prescribed in the following table:

<u>District and structure</u>	<u>Minimum depth of rear yard</u>
C-1	
All <u>structures</u>	20 feet
C-2-A	
<u>Residential structure</u> including <u>hotel</u>	Four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the <u>structure</u> to the highest point of the <u>main roof</u> or parapet wall but not less than 15 feet.
Other permitted <u>structure</u> ...	15 feet
C-2-B	
<u>Residential structure</u> including <u>hotel</u>	Four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the <u>structure</u> to the highest point of the <u>main roof</u> or parapet wall but not less than 15 feet
Other permitted <u>structure</u> ..	15 feet

C-3-A, C-3-B, C-4, C-5

All structures..... Two and one-half inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall but not less than 12 feet.

5303.11 -- The Board of Zoning Adjustment may waive the rear yard requirements of this section pertaining to C-4, C-3-B and C-3-A Districts, provided that the following standards are met:

5303.111 -- Apartment and office windows shall be separated from other buildings which contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.

5303.112 -- In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to such rooms.

5303.113 -- The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.

5303.114 -- On receiving an application for an approval under Paragraph 5303.11, the Board shall submit the application to the Director of the Municipal Planning Office for coordination review, report and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Environmental Services, Housing and Community Development and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

5303.2 -- In a C-1, C-2, or C-3-A District, where a lot upon which a building or other structure is located abuts an alley, the rear yard, as required by Sub-section 5303.1, may be measured as follows:

5303.21 -- For that portion of the structure below a horizontal plane 20 feet above the mean finished grade at the middle of the rear of the structure from the center line of the alley to the rear wall of such portion; and

5303.22 -- For that portion of the structure above the horizontal plane described in 5303.21 the depth of rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above such plane.

This Sub-section shall not apply to any one-family dwelling.

5303.3 -- In the C-3-B, C-4 and C-5 (PAD) Districts, the depth of rear yard required in sub-section 5303.1 may be measured as follows:

5303.31 -- Where a lot abuts an alley, the depth of rear yard may be measured from the center line of the alley, to the rear wall of the building or other structure. A rear yard on such a lot need not be provided below a horizontal plane 20 feet above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the 20 foot plane.

5303.32 -- Where a lot does not abut an alley, the depth of rear yard shall be measured as specified in the definition of rear yard, except a rear yard need not be provided below a horizontal plane 20 feet above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the 20 foot plane.

5303.33 -- In the case of a corner lot, a court complying with the width requirements for a closed court as specified in sub-section 5305.1 may be provided in lieu of a rear yard. For the purpose of this paragraph, the required court shall be provided above a horizontal plane beginning not more than 20 feet above the curb grade opposite the center of the front of the building and the width of such court shall be computed for the entire height of court.

This sub-section shall not apply to any one-family dwelling.

5303.4 -- In the case of a through lot or a corner lot abutting three or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure.

Section 5304 --Side Yards

5304.1 -- Side yards shall be provided for structures in a Commercial District as specified in the following paragraphs.

5304.11 -- A one-family detached dwelling shall be subject to the side yard requirements of an R-1 District.

5304.12 -- A one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.

5304.13 -- No side yard is required for a hotel but if such yard is provided the width of such yard shall be as follows:

5304.131 -- In a C-1, C-2, or C-3-A District: three inches wide for each foot of height of building but not less than eight feet.

5304.132 -- In a C-3-B, C-4 or C-5 (PAD) District: two inches wide for each foot of height of building but not less than six feet.

5304.14 -- No side yard is required for any other building or structure but if such yard is provided it shall be at least two inches wide for each foot of height of building but not less than six feet.

Section 5305 -- Courts

5305.1 -- Where a court is provided in a commercial District, at any elevation in such court the width of court shall be a minimum of six inches per foot of height measured from the lowest level of the court to that elevation, provided that in no case shall the width of court be less than 30 feet.

5305.2 -- In the case of an alteration affecting the amount of light and ventilation required by other municipal law or regulation in an existing structure in a Commercial District, no legally required window shall be permitted to open onto a court which does not comply with the dimensions given in sub-section 5305.1.

Section 5306 -- Exceptions to Density Regulations for Roof Structures (June 14, 1960)

5306.1 -- The provisions of Section 3308 in toto shall also regulate roof structures in the Commercial Districts.

5306.2 -- The gross floor area of roof structures permitted under this Section shall not be counted in determining the amount of off-street parking as required elsewhere in these regulations.

Section 5307 -- Bonus Incentive System Applicable to the C-5
(PAD) District

5307.1 -- For the purpose of encouraging public amenities, development design, and in-town residential uses, the maximum permissible floor area ratio for a building or other structure in the C-5 (PAD) District specified in sub-section 5301.1 may be increased by a maximum additional floor area ratio of 2.0 for the improvements or amenities specified in the schedule below, provided that the criteria in sub-paragraphs 5307.121 through 5307.125 are satisfied. Where additional floor area or floor area ratio is awarded, any addition to the floor area ratio of the building or other structure created by such award may be used to exceed the floor area ratio limit in the C-5 (PAD) District prescribed in sub-section 5301.1. That limit shall not be exceeded by more than 2.0 FAR, even though more floor area ratio may be accrued by award under this paragraph.

5307.2 -- In addition to those areas of a building normally included in the computation of gross floor area, the floor area of the following improvements or amenities are to be included in computing the gross floor area of the building of which they are a part: open arcade, enclosed pedestrian space, and through square connection.

5307.3 -- The following Bonus Incentives are available in the C-5 (PAD) District:

<u>Type of Improvement</u>	<u>Maximum Floor Area Bonus or Floor Area ratio Bonus</u>
<u>Open Arcade</u>	3 gross square feet may be added to the <u>gross floor area</u> of the <u>building</u> for each square foot of <u>open arcade</u> provided in accordance with paragraph 5307.41.
<u>Enclosed Pedestrian Space</u>	4 gross square feet may be added to the <u>gross floor area</u> of the <u>building</u> for each square foot of <u>enclosed pedestrian space</u> provided in accordance with paragraph 5307.42.
<u>Through Square Connection</u>	4 gross square feet may be added to the <u>gross floor area</u> of the <u>building</u> for each square foot of <u>through square connection</u> provided in accordance with paragraph 5307.43.

Theaters

4 gross square feet may be added to the gross floor area of the building for each square foot of a legitimate theater or performing arts facility containing a minimum of 150 seats. Where a legitimate theater or performing arts facility contains 1200 or more seats, then an award of 8 gross square feet for each square foot of facility, may be made. The increase in bulk will be granted in accordance with paragraph 5307.44.

Residential Uses

additional gross floor area equal to a floor area ratio of 1.0 shall be granted where 20 or more residential units of any size are provided.

Closed Court

15 gross square feet may be added to the gross floor area of the building for each square foot of closed court in excess of the area requirement specified in sub-section 5305.1 for the C-5 (PAD) District in accordance with paragraph 5307.45.

5307.4 -- The following criteria shall apply to the bonus specified in Sub-section 5307.3:

5307.41 -- Open Arcades: Where an open arcade is provided, it must meet the following criteria to qualify for the award of the bonus specified in Sub-section 5307.3:

5307.411 -- An open arcade for its entire length shall be along the perimeter of a building and adjoin a street. An open arcade shall also be open to the street it adjoins except for structural piers, columns or arches.

5307.412 -- An open arcade shall have an unobstructed and continuous passageway for its entire length of no less than 10 feet in width at any point.

5307.413 -- An open arcade shall be no less than 15 feet in height at any point within the arcade.

- 5307.414 -- An open arcade shall have its floor at the same level and continuous with the sidewalks, and shall connect to existing adjoining open arcades or shall be so constructed as to permit such connection in the future.
- 5307.415 -- The use of the area within an open arcade shall be essentially restricted to pedestrian uses, and vehicular access to or through an open arcade shall be minimized.
- 5307.416 -- An open arcade shall have retail and service uses fronting on it, with such uses directly accessible from the open arcade and the adjoining street.
- 5307.417 -- The floor area bonus awarded for the provision of an open arcade shall be computed on the basis of the floor area embraced within the boundary of the open arcade. Where vehicular access is permitted across an open arcade, that portion of the open arcade used as vehicular access space shall be excluded from the computation of the floor area of the open arcade for the purpose of determining the bonus incentive award under sub-section 5307.3.
- 5307.42 -- Enclosed Pedestrian Space: Where an enclosed pedestrian space is provided in the C-5 (PAD) District, the space created must meet the following criteria before the floor area bonus in sub-section 5307.3 can be awarded:
- 5307.421 -- Access -- It shall be directly accessible to the public and shall be located so as to provide direct or indirect access to the public space of the main floor of the building.
- 5307.422 -- Ceiling Height -- The ceiling height shall be a minimum height of 20 feet above any floor level of the enclosed pedestrian space.
- 5307.423 -- Floor levels -- There may be more than one floor level in the enclosed pedestrian space, but inter-floor level barrier-free connections are required.
- 5307.424 -- Width -- The average horizontal dimensions between any of the walls forming an enclosed pedestrian space shall be at least 40 feet in width, but at no point shall the width be less than 30 feet, measured at the main pedestrian circulation floor level of the space; except when an entrance to the enclosed pedestrian space is provided at the facade of the building, the width of the entrance shall be no less than 20 feet.

5307.425 -- Overhead obstructions -- Pedestrian bridges, balconies, pennants, banners, lighting fixtures, mobiles or other decorative elements are permitted overhead obstructions, provided that they do not cover in the aggregate more than 30 percent of the floor area of the enclosed pedestrian space.

5307.426 -- An enclosed pedestrian space shall be appropriately lighted.

5307.427 -- Interfloor level connections, columns, or similar elements, planting, landscaping, ornamental fountains, statuary, bazaar furniture, kiosks, works of art, or other similar features are permitted within the enclosed pedestrian space, provided that pedestrian circulation is barrier-free and is not hampered by such features.

5307.43 -- Through Square Connection: Where a through square connection is provided in the C-5 (PAD) District, the space created within the square as the connection must meet the following criteria before additional gross square feet are awarded increasing the gross floor area of the building as specified in sub-section 5307.3.

5307.431 -- The exterior entrances of a through square connection shall be at the same level as the street it adjoins.

5307.432 -- A through square connection may be enclosed in whole or in part and must have an average width of at least 20 feet, but at no point shall the width be less than 15 feet. It shall have a minimum height of 20 feet.

5307.433 -- A through square connection may be created by linking one or more of the following: an open arcade, a portico, a plaza, an interior space or lobby of a building, a court, a rear yard, a side yard, or an enclosed pedestrian space. However, the floor areas of such features shall not be included in computing the floor area of the through square connection for determining the bonus incentive award under sub-section 5307.3.

5307.434 -- Except for a building or other structure occupying a through lot or a corner lot bounded by three streets, no bonus incentive for a through square connection shall be awarded unless the Board of Zoning Adjustment has determined and is satisfied that the requirement of a continuous connection through the square can be accomplished.

5307.452 -- Structures -- No permanent structure shall be permitted in the closed court, except structures incidental to the landscaping such as fountains or art objects. Temporary structures incidental to a cafe or an exhibit purpose are permitted.

5307.453 -- Access -- A closed court for which a bonus incentive award is sought shall be directly accessible to the public and shall be connected to the public space of the main floor of the building. Vehicular access or use of the closed court is prohibited if a bonus incentive is awarded.

5307.454 -- Only that portion of the area of a closed court in excess of the requirement under sub-section 5305.1 shall qualify for a bonus incentive as provided under sub-section 5307.3.

5307.5 -- Bonus Incentives -- Application, Review and Award

5307.51 -- Application, review and award under the Bonus Incentive System shall be made to the Board of Zoning Adjustment which shall process the application in accordance with its normal rules of procedure.

5307.52 -- Application shall be filed with the Board, which shall include the following information:

5307.521 -- A statement describing the amenity to be provided and the bonus requested including a detailed statement showing how the application meets the requirements of the regulations.

5307.522 -- A finished site plan showing the location and external dimensions of all buildings and other structures, utilities and other easements, walkways, driveways, plazas, planting, and any other open space.

5307.523 -- A landscape plan showing all existing contour lines and landscaping to be retained and all new contours, planting and landscaping.

5307.524 -- A circulation plan, including pedestrian and vehicular access ways and areas devoted to parking and loading.

5307.525 -- Floor plan of the level upon which a bonus element is proposed.

5307.526 -- Architectural elevations for all open sides of the proposed building.

- 5307.435 -- In the C-5 (PAD) District, a through square connection shall only be permitted between two parallel or opposite streets.
- 5307.436 -- A through square connection shall be appropriately lighted and shall be open to the public.
- 5307.437 -- A through square connection may contain ornamental fountains, sculptures, displays, or kiosks, provided that pedestrian circulation is barrier-free and is not hampered by such features.
- 5307.438 -- Only retail and service uses shall be provided along the through square connection.
- 5307.44 -- Theaters: The Board of Zoning Adjustment may authorize within a C-5 (PAD) District an increase in bulk as specified in sub-section 5307.3 for any new building containing a legitimate theater or similar performing arts facility. The Board may also prescribe appropriate conditions and safeguards to ensure the achievement of good design objectives, and in determining the precise extent of the increase permitted, the Board shall require that:
- 5307.441 -- The legitimate theater or similar performing arts facility is of a size and type appropriate for the C-5 (PAD) District;
- 5307.442 -- Adequate supporting facilities associated with the operation of a legitimate theater or similar performing arts facility, such as rehearsal areas, studios, or storage space are provided; and,
- 5307.443 -- Open spaces, open arcades, through square connections, enclosed pedestrian spaces, mass transit and vehicular circulation are adequate to accommodate the circulation of pedestrians or vehicles attracted by such facilities.
- 5307.45 -- Closed Courts: Where a closed court in the C-5 (PAD) District is enlarged for the purpose of obtaining an award of a bonus incentive, the following criteria shall be met:
- 5307.451 -- A closed court shall be landscaped and may be used for a restaurant, a recreational purpose, or an exhibit purpose.

5307.527 -- Computation of gross floor area and FAR of the proposed bonus element.

5307.528 -- A development schedule for the total site showing: the total lot area, total FAR, gross floor area devoted to each use, the total number by type of residential uses, the total number of off-street parking spaces, and the total number of off-street loading berths.

5307.53 -- The Board of Zoning Adjustment shall review the application made under the Bonus Incentive System and may award additional square feet in an amount not to exceed the limitations set forth in sub-section 5307.3 applying criteria in sub-section 5307.4, provided that:

5307.531 -- The application has received the approval of the Pennsylvania Avenue Development Corporation;

5307.532 -- The application would be consistent with the intent and purposes of the C-5 (PAD) District encouraging improved pedestrian circulation and activities, mixture of uses and more attractive urban design;

5307.533 -- The proposed development under a bonus award would not significantly and adversely impact upon adjoining property; and,

5307.534 -- On receiving an application for an approval under Paragraph 5307.53, the Board shall submit the application to the Director of the Municipal Planning Office for coordination review, report and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Environmental Services, Housing and Community Development and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

5307.535 -- The Board of Zoning Adjustment may require such other special conditions as it deems necessary to protect neighboring or adjacent property and to generally promote the public health, safety and welfare.